

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

November 5, 2002

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to Order at 6:30 p.m. and announced a quorum was present.

Council members present were: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present were: City Manager George Purefoy, Assistant City Manager Scott Young, Assistant, Interim City Manager Jason Gray, Director of Planning and Development John Lettelleir, Zoning & Subdivision Administrator Doug Mousel, Engineer Hulen Webb, City Attorney Richard Abernathy and City Secretary Nan Parker.

2. Invocation

John McKinize, Hope Fellowship Church offered the Invocation.

3. Pledge of Allegiance

Three students from the Frisco Football League led the Pledge of Allegiance.

4. Citizen Input

Michael Osuna requested an update on the KPMG telecommunications master plan. No action was taken.

5. Reports

The Council reviewed the reports as submitted. No formal action was taken.

a. Presentation of Contribution from Frisco Football League to the City of Frisco

Members of the Frisco Football League were present to present the City with a check for \$15,000.00. They requested the money be used for the purchase of a ball field mower and other items needed by the Park Department.

b. Planning & Development Monthly Report

Council requested the Planning Department report reflect: 1) park land, 2) Private ownership and 3) other.

c. Report on the process of enforcing the City's landscape requirements and documenting enforcement actions. (Planning Dept. – JL)

d. Engineering Staff Report

Staff informed the Council the Notice to Proceed had been issued on October 31, 2002 for the signal light to be installed at the intersection of FM 423 and Lebanon Road.

Hulen Webb informed the Council the Dallas Parkway should be open to traffic at SH 380 sometime in mid-December. Council asked about the status of a signal light at the intersection of Dallas Parkway and SH 380. He informed Council the City is working with TxDOT to expedite the installation of a signal.

e. Parks and Recreation Staff Report Update on Friendship Park Playground

Parks & Recreation Director Rick Wieland informed the Council construction dates for Friendship Park Playground have been scheduled for December 13, 14 and 15.

f. Parks and Recreation Park Projects Update Report

Santa Claus was present to invite everyone to Merry Main Street.

g. Parks and Recreation confirmation of Collin County Parks and Open Space Grant

Rick Wieland and Dudley Raymond updated Council on the grant the City received - Collin County Parks and Open Space Grant. In addition, Mr. Raymond updated the Council on Arbor Day and planting of trees at Warren Sports Complex on Saturday, November 9, 2002.

h. Project Status Tracking Reports

Discussion only.

6. Consent Agenda

The Consent Agenda was considered for approval. Deputy Mayor Pro-Tem Maso moved to remove items A.F.Y.O. and CC. for separate discussion. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Deputy Mayor Pro-Tem Maso moved to approve the Consent Agenda, excluding Items A.F.Y.O. and CC. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

a) Consider and act upon approval of the minutes of the Regular City Council Meeting of October 15, 2002. (City Secretary)

Deputy Mayor Pro-Tem Maso moved to **table** the approval of the Minutes of the Regular City Council Meeting of October 15, 2002 until November 19, 2002. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- b) Adoption of **Resolution No. 02-11-158R** therein authorizing the City Manager to sign an Agreement by and between the City of Frisco and the American Red Cross of North Texas.
- c) Adoption of **Resolution No. 02-11-159R** therein authorizing the City Manager to sign an Agreement for CitiBank, N.A. to be designated a depository of and designating signatures required to conduct business for the City of Frisco's Welfare Benefit Plan.
- d) Approval of payment of Invoice Number 425-06 in the amount of \$36,997.00 to Hunt Construction Group in accordance with the Owner's Representative Agreement for work regarding the Frisco Sports Complex. (City Manager's Office/SY)
- e) Adoption of **Resolution No. 02-11-160R** therein authorizing the City Manager to sign an Agreement by and between the City of Frisco and Cities Aggregation Power Project (CAPP) for an electric supply contract for 2003. (City Manager's Office/KH)

- f) **Consider and act upon adoption of a Resolution calling for a Public Hearing to be held at a Regular City Council Meeting on December 3, 2002 regarding proposed changes to rates for the TXU Gas Distribution System. (City Manager's Office/JG)**

Deputy Mayor Pro-Tem Maso recognized Jason Gray for his exceptional work regarding the proposed changes to rates for the TXU Gas Distribution System.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-161R** therein calling for a Public Hearing to be held at a Regular City Council Meeting on December 3, 2002 regarding proposed changes to rates for the TXU Gas Distribution System. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- g) Approval of 380 Sales Tax Grant Payment to Dayton Hudson Corporation in the amount of \$14,656.19 for the 4th Quarter of Fiscal Year 2002. (City Manager/KH)
- h) Adoption of **Resolution No. 02-11-162R** therein authorizing the City Manager to sign a Interlocal Purchasing Agreement by and between the City of Frisco and the City of The Colony.
- i) Adoption of **Resolution No. 02-11-163R** therein authorizing the City Manager to sign an Interlocal Purchasing Agreement for the Telecommunications Infrastructure Fund Board Grant by and between the City of Frisco and Melissa Independent School District.
- j) Adoption of **Resolution No. 02-11-164R** therein authorizing the City Manager to execute documents regarding the City of Frisco's membership in the Greater Dallas-Ft. Worth Regional Law Enforcement Mutual Aid Task Force.
- k) Approval of recommendation from the Parks and Recreation Board regarding the funding for Park Development Projects in Fiscal Year 2003. (Parks and Recreation)
- l) Approval of Tax Refunds over \$500.00. (Tax Department)
- m) Approval of payment of Pay Application Number 12 for \$42,629.59 to Owen Commercial Construction, Inc. for construction for Fire Station 4. (Fire Department)
- n) Approval of payment of Invoice Number 2542111 in the amount of \$4,400.00 to Carter-Burgess, Inc. for completion of the master Plan for the Southeast Community Park. Work performed during September 2002. (Parks and Recreation)
- o) **Consider and act upon payment of Invoice Number 1542110 in the amount of \$36,155.19 to Carter-Burgess, Inc. for Construction Documents for the completion of McKinney Road Park. Work performed during September 2002. (Parks and Recreation)**

Item o was inadvertently pulled for separate discussion. Deputy Mayor Pro-Tem Maso moved to approve the payment of Invoice No. 1542110 for \$36,155.19 to Carter-Burgess, Inc. for Construction Documents for the completion of McKinney Road Park. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

- p) Approval of payment of Professional Services Payment, Invoices 0014444 in the amount of \$4,125 and 0014633 in the amount of \$485.00 and 0014635 in the amount of \$3,200.00 and 0014632 in the amount of \$44,781.06 for the Senior Center, to F&S Architects. (Parks and Recreation)
- q) Approval of payment of Invoice Number 20 in the amount of \$807.50 to Architects Phelps/Wood for reimbursable expenses associated with the construction of Fire Station 4. (Fire Department)
- r) Award of Bid Number 0210-041 to Groves Electrical in the amount of \$115,959.96 for installation of lighting at the Frisco Sports Complex. (Engineering)
- s) Approval of payment of Pay Estimate Number 3 for the Downtown Parking Lot Project in the amount of \$9,880.00 to JG Builders, Inc. (Engineering)
- t) Approval of payment of Pay Request Number 1 for the Frisco Sports Complex Public Infrastructure Improvements (turn lanes) in the amount of \$49,568.22 to R-CON, Inc. (Engineering)
- u) Approval of Payment Number 15 for Custer Road Pump Station Improvements in the amount of \$250,396.20. (Engineering)
- v) Approval of Payment Number 4 for Sanitary Sewer Improvements in the amount of \$94,430.95 to John Burns Construction. (Engineering)
- w) Approval of Pay Application for Frisco Square, Phase 2 in the amount of \$1,619.00 to QTE Group, Inc. (Engineering)
- x) Consider and act upon approval of Payment Number 3 for Sanitary Sewer Improvements in the amount of \$244,212.19 to John Burns Construction. (Engineering)

- y) **Adoption of Resolution authorizing the City Manager to sign the Agreement by and between the City of Frisco and D.R. Horton-Texas, Ltd. to provide for the City to reimburse D.R. Horton-Texas Ltd. from funds collected from adjacent property owners for cost of construction of a drainage channel and adoption of a Resolution authorizing the City Manager to execute the Agreement. (Planning-DM)**

The Council discussed the possibility of a pro-rata agreement with D. R. Horton. Following discussion, Deputy Mayor Pro-Tem Maso moved to adopt **Resolution No. 02-11-167R** therein authorizing the City Manager to sign an Agreement by and between the City of Frisco and D.R. Horton-Texas, Ltd. to provide for the City to reimburse D.R. Horton-Texas Ltd. from funds collected from adjacent

property owners for cost of construction of a drainage channel Council member West seconded the motion. Motion carried. Vote: unanimous.

- z) Approval of Payment Invoice Numbers 10009871 in the amount of \$4,230.00 and 10009645 in the amount of \$7,050.00 to PGAL for Preston Road Implementation Plan Phase 1. (Parks and Recreation)
- aa) Approval to purchase a 2003 F-150 Series Pick-Up Truck from Village Ford in the amount of \$16,956.00. (Public Works)
- bb) Adoption of **Resolution No. 02-11-166R** Expressing Official Intent to Reimburse Costs associated with the acquisition of land for a convention center and related facilities.
- cc) **Adoption of a Resolution supporting necessary legislation and Dallas Area Rapid Transit (DART) policy changes to allow expansion and extension of DART services to local government jurisdictions through local option citizen elections pledging payments to the DART system in an amount equivalent to a one-cent sales tax. (City Manager)**

Michael Osuna addressed the Council regarding the item. Mayor Simpson explained the Resolution is in support of legislation changes for expansion of DART services but that it does not commit the City to join DART.

Following discussion, Deputy Mayor Pro-Tem Maso moved to adopt **Resolution No. 02-11-167R** therein supporting necessary legislation and Dallas Area Rapid Transit (DART) policy changes to allow expansion and extension of DART services to local government jurisdictions through local option citizen elections pledging payments to the DART system in an amount equivalent to a one-cent sales tax subject to the deletion of Section 3. Mayor Pro-Tem Reveal seconded the motion. Voting Aye: Council member Allen, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Voting Nay: Council member Nichols. Motion carried. Vote: 5-1.

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. Deputy Mayor Pro-Tem Maso moved to remove Items O&P for separate discussion. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the Legislative Agenda, excluding Items O. and P. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- a) Approval of Final Plat: Meadows of Preston, Phase 4. 86 Single-Family-5 lots on 25.8± acres 940± feet north of Rolater Road, 1,700± feet east of Preston Road. Zoned Multi-Family-2. Neighborhood #19. Applicant(s): Legacy/Monterey Homes, L.P. (Planning Dept. - LS)
- b) Approval of Revised Conveyance Plat: T & M Frisco Addition, Block A, Lot 6. One lot on 6.4± acres on the east side of Preston Road, 1,120± feet south of Hickory Street. Zoned Commercial – 1. Neighborhood #19. Applicant(s): Regency Centers. (Planning Dept. - LS)
- c) Approval of Site Plan, Final Plat & Revised Conveyance Plat: Teel Crossing II, Block A, Lots 1-5. A retail building on five lots on 15.4 ± acres on the north side of Main Street, 500± feet west of Teel Parkway. Zoned Commercial-1. Neighborhood #45. Applicant(s): HSM Teel Crossing II, Ltd. (Planning Dept. - MW)
- d) Approval of Site Plan: Teel Crossing II, Block A, Lot 1. A retail building on one lot on 1.9± acres on the northwest corner of Teel Parkway and Main Street. Zoned Commercial-1. Neighborhood #45. Applicant(s): Walgreens. (Planning Dept. - MW)
- e) Approval of Site Plan: Teel Crossing II, Block A, Lot 2. A bank building on one lot on 1.1± acres on the north side of Main Street, 250 ± feet west of Teel Parkway. Zoned Commercial-1. Neighborhood #45. Applicant(s): Gateway Bank. (Planning Dept. - MW)
- f) Approval of Site Plan: Teel Crossing II, Block A, Lot 4. A bank building on one lot on 1.3 ± acres on the west side of Teel Parkway, 500± feet north of Main Street. Zoned Commercial-1. Neighborhood #45. Applicant(s): First National Bank. (Planning Dept. - MW)
- g) Approval of Site Plan & Final Plat: Villages at Stonebrook, Block 1, Lot 1. Four office buildings on one lot on 2.0± acres located on the northwest corner of Stonebrook Parkway and Rolling Brook Drive. Zoned Retail. Neighborhood #20. (Planning Dept. - MW)
- h) Approval of Preliminary Site Plan: Hillcrest Plaza, Block A, Lots 2, 3, & 4. Three retail buildings, four office buildings, and a convenience store with gas pumps on three lots on 6.0± acres on the northeast corner of Hillcrest Road and Rolater Road. Zoned Planned Development-37-Retail. Neighborhood #19. Applicant(s): MS. Investments, (Planning Dept. - LS)
- i) Approval of a Site Plan, Conveyance Plat & Final Plat: Hillcrest Plaza, Block A, Lot 2. A retail building on one lot on 2.0± acres on the east side of Hillcrest Road 190± feet north of Rolater Road. Zoned Planned Development-37-Retail. Neighborhood #19. Applicant(s): MS. Investments. (Planning Dept. - LS)
- j) Consider and act upon approval of a Site Plan, Revised Conveyance Plat & Final Plat: Primrose at Griffin Parc, Block A, Lots 7 and 8. A day care on two lots on 3.2± acres on the south side of Eldorado Parkway, 265± feet west of Legacy Drive. Zoned Office – 1 with a Specific Use Permit for a Child Day Care Center. Neighborhood #45. Applicant(s): Too Schuh Holdings, Ltd. (Planning Dept. - LS)

- k) Approval of Site Plan: Legacy Center, Block A, Lot 9. A minor automotive repair building on one lot on 0.8± acre on the south side of Lebanon Road, 150± feet east of Legacy Drive. Zoned Planned Development-33. Neighborhood #31. Applicant(s): Kwik Industries. (Planning Dept. - MH)
- l) Approval of Site Plan: Legacy Center, Block A, Lot 10. A retail building on one lot on 0.8± acre on the south side of Lebanon Road, 350± feet east of Legacy Drive. Zoned Planned Development-33. Neighborhood #31. Applicant(s): David J. Brewer Interests, Inc. (Planning Dept. - MH)
- m) Adoption of **Ordinance No. 02-11-124** therein granting a Specific Use Permit (SUP2002-0017) for two temporary buildings on 13.5± acres on the west side of Coit Road 230± feet north of Lebanon Road. Zoned Planned Development-19 – Commercial-1 and Single-Family-4 with a Specific Use Permit-69 for a Church. Neighborhood #25. Applicant(s): Fellowship of Frisco (Planning Dept.)
- n) Adoption of **Ordinance No. 02-11-125** therein granting Specific Use Permit SUP2002-0018 for a Commercial Antenna and/or Support Structure Over 50 Feet on 5.0± acres on the south side of Hickory Street, 100± feet east of Sixth Street. Zoned Single Family-5 with Specific Use Permit-50 for an Antenna. Neighborhood #20. Applicant(s): AT&T Wireless (Planning Dept.)
- o) **Consider and act upon approval of an ordinance amending the Comprehensive Zoning Ordinance regarding the site plan approval process. Applicant(s): City of Frisco. Zoning Case ZA2002-0021. (Planning Dept. – MH)**

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 02-11-126** therein amending the Comprehensive Zoning Ordinance regarding the site plan approval process subject to revision of language "...up to 14 days whichever is greater". Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- p) **Consider and act upon approval of an ordinance amending the Subdivision Regulation Ordinance regarding the plat approval process. Applicant(s): City of Frisco. Zoning Case SA2002-0005. (Planning Dept. – MH)**

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 02-11-127** therein amending the Subdivision Regulation Ordinance regarding the site plan approval

process subject to revision of language "...up to 14 days whichever is greater". Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- q) Adoption of **Ordinance No. 02-11-128** rezoning 33.3± acres on the south side of Witt Road, 1,300± west of F.M. 423 from Agricultural to Single Family-5. Neighborhood #43. Applicant(s): F. Fesharaki & C. Mirbagheri. Zoning Case Z2002-0007. (Planning Dept. – LS)
- r) Adoption of **Ordinance No. 02-11-129** therein changing the name of Spur 33 to Gary Burns Drive, east of Preston Road.
- s) Adoption of **Resolution No. 02-11-168R** therein calling a Public Hearing on November 15, 2002 for the designation of a Reinvestment Zone (Medland). (City Manager/GP)

END OF LEGISLATIVE AGENDA

Regular Agenda

8. Public Hearing - Consider and act upon approval of a Replat: Villages of Stonebriar Park, Lot 15, Block B, & Lots 4 & 5, Block D. One Single-Family lot and two Patio-Home lots on 0.9± acre, 200± feet east of Stonebriar Drive, on the north side of Fairfax Drive. Zoned Planned Development-136-Single-Family-3 and Planned Development-136-Patio-Home. Neighborhood #34. Applicant(s): Land Plan Development (Planning Dept. – CC)

Mayor Pro-Tem Reveal moved to open the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the Replat of The Villages of Stonebriar Park, Lot 15, Blk B and Lots 4&5, Blk D. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

9. Public Hearing: Zoning Case ZA02-0022. Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance

regarding City Council voting requirements for zoning cases on appeal from the Planning & Zoning Commission. Applicant(s): City of Frisco. (Planning Dept. – MW)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Zoning & Subdivision Administrator Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request to amend the Comprehensive Zoning Ordinance regarding City Council voting requirements for zoning cases on appeal from the P&Z Commission. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

In making the motion it was understood that to overrule the P&Z Commission's recommendation for denial, there shall be a vote of three-fourths (3/4) of the Council Members present, or four (4) votes, whichever is greater.

10. Public Hearing: Zoning Case ZA2002-0019. Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance to establish regulations for mobile vendors. Tabled 6/15/2002 and 7/23/2002. Applicant(s): City of Frisco. (Planning Dept. – LS)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Zoning & Subdivision Administrator Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations. Health Inspector Julie Stallcup was present to address questions from the Council.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request to amend the CZO to establish regulations for mobile vendors. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Staff was directed to prepare an ordinance reflecting the documentation provided.

11. Public Hearing regarding expanding the boundaries of Reinvestment Zone Number One, City of Frisco, Texas, amending the project plan and financing plan for the zone, and the benefits thereof to the municipality and to property in the zone. (City Manager's Office/JG)

Interim City Manager Jason Gray recommended that the public hearing be tabled until the November 19, 2002 meeting.

Following discussion, Council member Allen moved to **table** the item until the November 19, 2002. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

12. Consider and act upon adoption of an Ordinance prohibiting the use of the Flexible Corrugated Stainless Steel Gas Piping Systems. (Fire Department)

Deputy Mayor Pro-Tem Maso moved to recess into Closed Session at 8:10 p.m. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 8:10 p.m. to consult with the City Attorney regarding Item No. 12 as authorized by the Texas Government Code §551.071.

Deputy Mayor Pro-Tem Maso moved to recess into Open Session at 8:30 p.m. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to **table** action until the December 3, 2002 City Council Meeting. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

13. Update on altering the street design for the unbuilt portion of High Shoals Drive east of the Pioneer Middle School and discussion regarding general traffic calming measures for cut-through traffic. (Planning Dept. – JL)

Director of Planning John Lettelleir updated the Council on meetings between the traffic engineer, fire marshal, the developer and himself. He stated that they had two options that were being considered. He stated that he would bring their recommendations to the Council on either November 19, 2002 or December 3, 2002.

Mark Pitts addressed the Council regarding the benefit and need for street design around school site.

Discussion only, no formal action was taken.

14. Consider and act on a request to call a public hearing regarding standards and regulations for gated communities with private streets. (Planning Dept. – MH)

Doug Mousel and John Lettelleir addressed the Council regarding standards and regulations for gated communities with private streets. They recommended the City go through the public hearing process to amend the subdivision regulation ordinance requiring gated communities with private streets be a permitted use with a specific use permit.

Following discussion, Mayor Pro-Tem Reveal moved to approve the call for the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

15. Consider and act on an amendment to a letter of Agreement regarding the operation of the Ghost Ranch. (Planning Depart. – JL)

Director of Planning John Lettelleir updated the Council on staff's recommendations to extend the Letter Agreement until the applicant applies for a Specific Use Permit.

Wayne Kirk addressed the Council and requested the extension of the Letter Agreement.

Following discussion, Council member Lafata moved to accept the extension of the Letter Agreement until January 2003. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

16. Update regarding construction requirements at Hillcrest Medical. (Planning)

Mayor Pro-Tem Reveal moved to recess into Closed Session at 9:30 p.m. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 9:30 p.m. as authorized by Texas Government Code Section 551.071 for private consultation with the City Attorney.

Mayor Pro-Tem Reveal moved to reconvene into Open Session at 10:00 p.m. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Jeff Tawney, Beth Simmers, Brent Hoving and Michael Osuna were present to address the council with issues regarding the screening wall. The majority of the complaints were regarding the height of the screening wall and the lack of privacy. The citizens indicated that the fence should be constructed at eight-feet in height (8') to avoid a direct line of sight into their yards.

Lengthy discussion regarding construction requirements at Hillcrest Medical. Discussion only, no formal action was taken. John Lettelleir indicated that he would meet the interested landowners and Council members at the property on Friday morning, to evaluate and discuss alternatives. The item will be on the next agenda for discussion and follow-up.

17. Consider and act upon acceptance of letter of resignation of Ron Kimbrell from the Parks & Recreation Board. (City Secretary)

Mayor Pro-Tem Reveal moved to accept the letter of resignation from the Parks & Recreation Board as received from Ron Kimbrell. Council member West seconded the motion. Motion carried. Vote: unanimous.

18. Consider and act upon appointment of an individual to the Parks & Recreation Board to fill the vacancy created by the resignation of Ron Kimbrell (term to expire July 2004). (City Secretary)

Mayor Pro-Tem Reveal moved to open the floor for nominations. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal nominated Jeanne Patterson. Council member Nichols seconded the nomination. Motion carried. Vote: unanimous.

Council member Nichols moved the nominations cease. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Jeanne Patterson was appointed by acclamation.

19. Discussion regarding providing assistance to Frisco residents. (City Council/JW)

Council discussed the need for providing assistance to Frisco residents. Council member West suggested that a work session be scheduled between members of the Frisco ISD Board of Trustees, Chamber of Commerce, EDC and CDC, including representatives from the Police and Fire Departments. The City Secretary will coordinate schedules to arrange for the meeting during the next few weeks.

Discussion only, no formal action was taken.

20. Report on School Safety Committee. (Engineering)

Brian Moen, Traffic Engineer addressed the Council regarding the formation of a School Safety Committee. He stated the Committee has personnel representing the Frisco ISD, Fire Department, Police Department and Traffic Engineer. Council requested an update from the Committee as soon as possible.

Discussion only, no formal action was taken.

21. Consider and act upon approval of Agreement by and between the City of Frisco, Texas and Mathesa, Ltd. and Dr. Clyde Lee and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

City Manager George Purefoy updated the Council on the proposed agreement.

Following discussion, Deputy Mayor Pro-Tem Maso moved to adopt **Resolution No. 02-11-169R** therein authorizing the City Manager to sign the Agreement by and between the City of Frisco, Texas and Mathesa, Ltd. and Dr. Clyde Lee for an acquiring an easement subject to the addition of \$40,000.00 to be paid to the City of Frisco in the agreement. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

22. Consider and act upon amendment to the Westin Convention Center Agreement and adoption of a Resolution authorizing the City Manager to execute the amended Agreement. (City Manager)

Following discussion, Council member Allen moved to adopt **Resolution No. 02-11-170R** therein authorizing the City Manager to sign the Amended Agreement by and between the City of Frisco and (Legacy Hotel) Westin Convention Center. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

23. Consider and act upon approval of an Advance Funding Agreement by and between the City of Frisco and the State of Texas through the Texas Department of Transportation for a Right of Way Bridge Project located at SH 289 at Panther Creek and Panther Creek Relief and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager/SY)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-171R** therein approving an Advance Funding Agreement by and between the City of Frisco and the State of Texas through the Texas Department of Transportation for a Right of Way Bridge Project located at SH 289 at Panther Creek and Panther Creek Relief and authorizing the City Manager to sign the same. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

24. Consider and act upon approval of an Advance Funding Agreement by and between the City of Frisco and the State of Texas through the Texas Department of Transportation for a Right of Way Bridge Project located at SH 289 at Parvin Branch and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager/SY)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-11-172R** therein approving Advance Funding Agreement by and between the City of Frisco and the State of Texas through the Texas Department of Transportation for a Right of Way Bridge Project located at SH 289 at Parvin Branch and authorizing the City Manager to sign the same. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

25. Consider and act on signage for Bankston Ford and provide direction to staff on the same.

Doug Mousel addressed the Council regarding the need for additional signage for Bankston Ford while construction is underway along SH 121.

Charles Carter, Bankston Ford addressed the Council regarding the need for the signage so that individuals will be aware the business is there.

Following discussion, Council member Allen moved to direct staff to bring back their recommendation for amending the sign ordinance to allow for Staff to grant exceptions to the sign ordinance during extreme circumstances of construction along SH 121, SH 380 and Dallas North Tollway. Council member Lafata seconded the motion. Voting Aye: Council member Allen, Council member Nichols, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Voting Nay: Mayor Pro-Tem Reveal Motion carried. Vote: 5-1.

26. Consider and act upon a proposal from the Frisco Cycling Club regarding the Superdome. (Superdome)

Steve Walsh addressed the Council regarding a proposal from the Frisco Cycling Club.

Ryan Crissey, Frisco Cycling Club addressed the council regarding the Frisco Cycling Club use of the Superdome.

Following discussion, Staff was directed to work with the Frisco Cycling Club to draft an agreement for Council approval, and to meet with Dr. Carey Israel at CCCCD to fully understand the CCCCD preferences for moving forward.

27. Consider and act upon approval of a letter of Agreement with Tony and Marianne Calloway concerning 10865 Preston Road and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Following discussion, Council member Allen moved to adopt **Resolution No. 02-11-173R** approve the Letter Agreement Tony and Marianna Calloway concerning 10865 Preston Road (wedding chapel aka Chapel Gardens) subject to the deletion of Item No. 6 in the agreement reference Preston Road Overlay District. Council member Lafata seconded the motion. Motion carried. Vote: 5-0. (Mayor Pro-Tem Reveal stepped away from the table during this vote, not conflict of interest).

28. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Allen moved to recess into Closed Session at 12:00 a.m. Council member West seconded the motion. Motion carried. Vote: unanimous. Mayor Simpson announced the Council was in Closed Session at 12:00 a.m. as authorized by Texas Government Code, to wit:

- 1.1. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- 1.2. Section 551.071 Consultation with the City Attorney on a matter in which the duty of the Attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with the Texas Open Meetings Act regarding The Colony boundary adjustment Agreement.
- 1.3. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - 1.3.1.1. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - 1.3.1.2. south of Stonebrook Parkway, north of Wade Blvd., east of Parkwood Blvd., and west of Preston Road.
 - 1.3.1.3. south of FM 3537, north of Rolater Road, east of Preston Road, and west of Hillcrest Road.
 - 1.3.1.4. south of Warren Parkway, north of SH 121, east of Dallas Parkway, and west of Preston Road.
- 1.4. Section 551.074. Evaluation of City Manager.

29. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Allen moved to reconvene into Regular Session at 1:00 a.m.
Council member West seconded the motion. Motion carried. Vote: unanimous.
There was no action taken as a result of the Closed Session.

30. Consider and act upon authorizing the City Manager to execute all documents necessary to purchase a tract of land for a municipal convention center located near the southwest corner of Gaylord Parkway and Parkwood Boulevard. (City Manager)

Mayor Pro-Tem Reveal left the meeting at 1:10 a.m.

Deputy Mayor Pro-Tem Maso moved to authorize the City Manager to execute all documents necessary to purchase a tract of land for a municipal convention center located near the southwest corner of Gaylord Parkway and Parkwood Boulevard. Council member Lafata seconded the motion. Motion carried. Vote: 5-0.

31. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Council discussed actions as a result of the present meeting. Areas for action included:

- Discussion for conducting the Closed Session and Pre-Sessions beginning at 5:30 p.m. prior to Regular Council Meetings.
- Telecommunication Master Plan on the November 19, 2002 Agenda.
- City Secretary to schedule a work session between members of the City Council and community interest group to help citizens in economic trouble.

Discussion only, no formal action was taken.

32. Discussion on Governance Monitoring of present City Council Meeting.

Council member Nichols was charged with the monitoring of the present meeting. Discussion only, no formal action was taken.

33. Adjourn.

There being no additional business the meeting was adjourned at 1:30 a.m.

E. Michael Simpson, MAYOR

ATTEST:

Nan Parker, CITY SECRETARY